

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

V.

FRANK DEPERGOLA
ARMANDO BOTTA

Crim. No.05-30002 MAP

**DEFENDANT FRANK DEPERGOLA'S RENEWED MOTION TO EXTEND
SELF SURRENDER DATE**

NOW here comes the defendant Frank DePergola, and moves this Honorable Court to extend the date for self surrender to February 2, 2007.

As reasons therefore, please see Affidavit of Counsel attached hereto.

Date: January 15, 2007

THE DEFENDANT
FRANK DEPERGOLA,

/s/ Daniel D. Kelly
Daniel D. Kelly, Esq.
101 State Street Site 715
Springfield, MA 01103
Phone 413-733-0770
Fax 413-733-1245
BBO# 634648

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on January 15, 2007.

/s/ Daniel D. Kelly
Daniel D. Kelly

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AFFIDAVIT OF COUNSEL

I, Daniel D. Kelly, being duly sworn, say and depose as follows:

1. I am an attorney in good standing licensed to practice law in the United States District Court located in Springfield, Massachusetts.
2. I am counsel of record for the defendant, Frank DePergola.
3. On October 18, 2006, the defendant was before the Honorable Judge Michael A. Posnor for sentencing. The defendant received a sentence that included 24 months incarceration with a recommendation that the sentence be served at the federal institution at Ft. Devens.
4. The defendant was ordered to self surrender on January 19, 2007 before 2:00 p.m..
5. As of this date, Mr. Depergola has not received any documentation of information from the Bureau of Prisons or the U.S. Marshall's Office relative to a reporting destination.
6. The instructions he received indicate that he is to give a 7 day notice to the U.S. Marshall's Office relative to a reporting destination.

7. Because the defendant has not yet received documentation or telecommunication from the Bureau of Prisons designating confirmation that he is to self surrender at Ft. Devens, an extension for self surrender appears to be in order to assure assignment to Ft. Devens.
8. Further, as a result of receiving no communication to date, the defendant has no knowledge of his obligations at this time.
9. The defendant respectfully requests that he be allowed to self surrender on Friday February 2, 2007.

Signed under the pains and penalties of perjury this 15th day of January, 2007.

/s/ Daniel D. Kelly
Daniel D. Kelly

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/s/ Daniel D. Kelly
Daniel D. Kelly